

AMENDED IN SENATE JUNE 13, 2013

SENATE BILL

No. 428

Introduced by Senator Anderson

February 21, 2013

An act to ~~amend Section 190.6 of the Penal Code~~ add Section 32254.5 to the Education Code, relating to ~~capital crimes~~ school safety, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Anderson. ~~Capital crimes: expeditious imposition of sentence.~~ School safety: The Safe Classrooms Act.

Existing law provides that the Legislature recognizes that crime, including vandalism, and violence have reached an alarming level at schoolsites throughout California and further recognizes that there is a need for dealing with the complex problems of crime and violence at schoolsites and for developing effective techniques and programs to combat crime and violence at schoolsites.

Existing law, the School Safety and Violence Prevention Act, which is administered by the Superintendent of Public Instruction, requires the Superintendent to provide funds to school districts serving pupils in any of grades 8 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence.

This bill, the Safe Classrooms Act, would appropriate \$850,000,000 from the General Fund to the Superintendent for allocation to school districts and charter schools for the purpose of funding projects that address classroom and school facility safety improvements. The bill would specify that eligible projects include, among other things, security threat assessment surveys and school facility safety improvements. The

bill would require the Superintendent to establish an application process for school districts and charter schools to apply for funding of these projects, and would require the Superintendent, in approving the applications, to consider equitable distribution between school districts and charter schools in urban and rural areas and pupil enrollment.

Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law states that the Legislature finds that the sentence in all capital cases should be imposed expeditiously. Existing law generally requires that the opening appellate brief to the Supreme Court be filed no later than 7 months after certification of the trial record for completeness in all cases in which the sentence of death has been imposed. Existing law states that it is the Legislature's goal that the appeal be decided and an opinion reaching the merits be filed within 210 days of the completion of that briefing. Existing law states that the failure to comply with these time limits shall not be a ground for granting relief from a judgment of conviction or sentence of death.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Safe Classrooms Act.*

3 *SEC. 2. Section 32254.5 is added to the Education Code, to*
4 *read:*

5 32254.5. (a) *The sum of eight hundred fifty million dollars*
6 *(\$850,000,000) is hereby appropriated from the General Fund to*
7 *the Superintendent for allocation to school districts and charter*
8 *schools offering kindergarten and any of grades 1 to 12, inclusive,*
9 *for the purpose of funding projects that address classroom and*
10 *school facility safety improvements. Eligible projects include, but*
11 *are not limited to, the following:*

12 (1) *School facility safety improvements, including any of the*
13 *following:*

1 (A) Improvements that control physical access into the school
2 buildings and utility rooms, including improvements to exterior
3 doors, windows, fixed ladders, and designated entrances.

4 (B) Improvements to school parking lots used for dropping off
5 and picking up pupils, teacher and school personnel parking lots,
6 and access pathways.

7 (C) Improvements to access through the main entrance,
8 including locks, door types, and vestibules.

9 (D) Improvements to emergency lighting systems used to guide
10 pupils, teachers, and school personnel to safety during power
11 outages.

12 (E) Improvements to fences and gates.

13 (F) Installation or improvements to cameras or surveillance
14 systems.

15 (2) Lock and key mechanisms for doors, either electronic or
16 mechanical, to control ingress and egress.

17 (3) Public address systems, emergency communications, phones
18 and data communications, and emergency and school police radio
19 equipment.

20 (4) Security threat assessment surveys.

21 (5) Emergency training, and reevaluation of administrative
22 policies and procedures.

23 (b) The Superintendent shall establish an application process
24 for school districts and charter schools to apply for funding of
25 projects described in subdivision (a).

26 (c) In approving applications, the Superintendent shall consider
27 both of the following:

28 (1) Equitable distribution between school districts and charter
29 schools in urban and rural areas.

30 (2) Pupil enrollment in the school district or charter school.

31 SEC. 3. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety within
33 the meaning of Article IV of the Constitution and shall go into
34 immediate effect. The facts constituting the necessity are:

35 In order to continue to protect children and efficiently finance
36 their continued safety while in school at the earliest possible time,
37 it is necessary that this bill take effect immediately.

38 ~~SECTION 1. Section 190.6 of the Penal Code is amended to~~
39 ~~read:~~

1 ~~190.6.—(a) The Legislature finds that the sentence in all capital~~
2 ~~cases should be imposed expeditiously.~~

3 ~~(b) Therefore, in all cases in which a sentence of death has been~~
4 ~~imposed on or after January 1, 1997, the opening appellate brief~~
5 ~~in the appeal to the State Supreme Court shall be filed no later than~~
6 ~~seven months after the certification of the record for completeness~~
7 ~~under subdivision (d) of Section 190.8 or receipt by the appellant's~~
8 ~~counsel of the completed record, whichever is later, except for~~
9 ~~good cause. However, in those cases where the trial transcript~~
10 ~~exceeds 10,000 pages, the briefing shall be completed within the~~
11 ~~time limits and pursuant to the procedures set by the rules of court~~
12 ~~adopted by the Judicial Council.~~

13 ~~(c) In all cases in which a sentence of death has been imposed~~
14 ~~on or after January 1, 1997, it is the Legislature's goal that the~~
15 ~~appeal be decided and an opinion reaching the merits be filed~~
16 ~~within 210 days of the completion of the briefing. However, where~~
17 ~~the appeal and a petition for writ of habeas corpus is heard at the~~
18 ~~same time, the petition should be decided and an opinion reaching~~
19 ~~the merits should be filed within 210 days of the completion of~~
20 ~~the briefing for the petition.~~

21 ~~(d) The failure of the parties or the Supreme Court to meet or~~
22 ~~comply with the time limit provided by this section is not a ground~~
23 ~~for granting relief from a judgment of conviction or sentence of~~
24 ~~death.~~